

A VINDICATION

OF THE CONDUCT OF

AN OLD INJURED NAVAL OFFICER,

For his having disputed the Right of His Majesty's Ships *La Nymphe* and *Aurora* to Share for the Spanish Packet *L' Edad de Oro*, taken by the *Lord Hawke* Letter of Marque, together with his Reasons for having fitted out that Vessel to Cruise against the Enemies of this Country.

TO speak of ones own conduct, is one of the most irksome tasks to which a man of any feeling can be called, and much is added to the disagreeableness of such situation, when injuries received compel him in his own defence to state facts, which of necessity imply the criminality of another; I have unfortunately found myself so situated, and the decided disapprobation of part of the Navy (and others who founded their opinion on Captain Percy Fraser's public Letter) at my conduct in disputing the right of his Majesty's Ships *La Nymphe* and *Aurora*, to share for the Spanish Packet *L' Edad de Oro*, taken by my Privateer the *Lord Hawke*, obliges me in justification of my own conduct, to compare *La Nymph's* Log with Captain P. Frazer's Letter to Lord Bridport, published in the London Gazette, by way of accounting for my reasons for so doing, and to shew that although Captain Fraser says he made the Capture, it does not appear from his own Log that he knew when or where that Prize was taken; and as in all litigated Prize causes the Ship's Log is considered the best evidence in support of their claim, I submit it to the opinion of those who are competent to judge of the merits of this case, and such as disapproved of my conduct in particular, whether from his Log Captain Fraser, was justified in writing the Letter he did to Lord Bridport (which with his Log is copied on the following page) and I hope those who took exception at my litigating his right to that Prize, will be convinced, when they read this paper that I had good reason for so doing.

I have been told that it was thought improper for me being a Captain in the Navy to fit out a Private Ship of War; however that may be, there is no want of respectable precedents for my conduct in this particular, as History affords numerous instances of rewards and honors bestowed on Noblemen and gentlemen for similar acts of loyalty; and I have only followed the example of some of the most distinguished Naval Officers of the present day; for nothing was more common the last war, and it has not been singular in the present, than for Captains in the Navy on *actual service and full pay*, to fit out Private Ships of War to cruise for their emolument; these Vessels were generally called Tenders, but they were private property as well as the *Lord Hawke*, and those who served in the West Indies and America last War, cannot be unacquainted with the number of Private Cruizers fitted out by the Captains of His Majesty's Ships on those stations. But it is necessary to observe that at the particular period I equipped the *Lord Hawke*, (1798), it was considered in some measure disgraceful to remain idle, for the Kingdom was threatened with an Invasion, and almost every other man became a soldier; besides the Legislature as well as his Majesty's Ministers called upon every individual in the state, and the servants of the Crown in particular, to contribute to the National defence to the utmost of their abilities, as well by voluntary contributions as personal-services. At this momentous period I came forward with my mite, in a way that I then thought and afterwards found to be the best in which my services as a *seaman* and a *private individual* could prove myself devoted to my King and Country; (for I was then upon half pay, and unable to obtain any public employment), and I spent great part of my private fortune in equipping a Private Ship of War, calculated to attack the Enemy on their own Coast, which in less than three months, took six of their Merchant Vessels, retook three valuable British Ships, destroyed one, and took another French privateer, besides taking a valuable Spanish Packet and preserving her mail, (which had been thrown overboard) for the use and advantage of Government—and when it is remembered that the *Lord Hawke* had on leaving England but 12 guns and 50 men, and that while I was on board her (on my passage to Oporto with leave from the Board of Admiralty) she took and destroyed more of the Enemy's Vessels between the 14th of August and the 6th of September, than all the Cruizers attached to the Channel Fleet together, I hope it will at least be allowed that my endeavours to distress the Enemy were justified by success, and that very few *private individuals* contributed more to the National defence, or risked a greater part of their fortune for the good of the Country at that time than I did.

NICHOLAS TOMLINSON.

Feb. 20, 1800.

Copy of his Majesty's Ship *La Nymphe's* Log, from 4 o'Clock A. M. the 6th September 1798, to the same Hour of the 7th, with Observations on the Remarks in that Log, by NICHOLAS TOMLINSON, respecting the Capture of the Spanish Ship *L' Edad de Oro*, together with Captain Fraser's Letter to the Right Honourable Lord Bridport, published in the London Gazette, Sept. 12, 1798.

La Nymphe, Cawsand Bay, Sept. 1798.

"MY LORD,

"I have the honour to acquaint your Lordship that on the 6th Instant, and about Six Miles distant from Corunna Light House, I fell in with and Captured the Spanish Ship *L' Edad de Oro*, from the Havannah and La Guira, bound to Corunna laden with Cocoa; His Majesty's Ship *Aurora* and Lord Hawke Privateer now in Company; and the latter availing herself of her Sweeps; came up first and brought her to.

"I have also to acquaint your Lordship that on the 7th Instant, I recaptured the Charlotte Sloop from London, bound to Newfoundland.

"I have thought proper to see the Spanish Prize into Port.

"I am, &c.

"Right Honourable Lord Bridport.

PERCY FRASER."

LA NYMPHE'S LOG.

H.	K.	F.	COURSES.	WINDS.	REMARKS, &c. AT SEA, 6TH SEP. 1798.
4	2		N. N. E.	N. W.	Ditto Weather.
5	2				Half past five saw a Sail on the Lee Bow, bore up and made Sail in Chafe.
6	1		East		
	2				
7	4				
8	5	4	E. S. E.		Moderate and clear; extremes of the Land from S. E. by S. to S. W. by W.
9	3		S. E. by E. $\frac{1}{2}$ E.		All Sail set in chafe of a Brig and a Ship.
10	3	2	S. E. by E.		(a)
11	2	4			
12	3	4		Variable	At Noon light Airs and clear still in chafe. Corunna Light House, S. by E. 9 or 10 Miles.
H.	K.	F.	COURSES.	WINDS.	REMARKS, &c. AT SEA, SEP. 7, 1798.
1	2	6	E. $\frac{1}{2}$ N.	W. N. W.	Light Airs and Clear; all Sail set in Chafe of a Ship and a Brig a head; a Frigate in Sight on the Starboard Bow
2	3		N. E. by E. $\frac{1}{2}$ E.		(b) answered the Private Signal to the Brig, fired several Guns and hoisted No. 9, to the Brig.
3	3	2	N. E. by E.		
4	3	4	E. by N.	Variable	In Studing-fails, taken a-back, wore round, at 4 still in chafe, extremes of the Land from W. S. W. to S. E. off shore 10 or 11 Miles quarter-past 4 light Airs with heavy Rain, in lowering the Cutter after she upset; out Cutter and saved the People, (lost in her all her Materials) sent a Boat away to board the Chafe (c). The Ship hoisted English Colours over Spanish, the Brig English.
5			Head all round.	Calm	—Answered the private Signal to the Ship to leeward;
6		6	E. by N.	Variable	at 7 Cape Prior S. E. 7 or 8 Miles, at 8 the Boat returned; the Brig proved to be the Lord Hawke Privateer of Plymouth in Company with a Spanish Ship she had taken that Morning (d.) At 9 burnt several false Fires and Rockets as Signals to the Aurora Frigate; at 11 wore, sent an Officer and Six Men on Board the Prize (e.) Twelve moderate and Cloudy, Prize in Company.
7			Head from N. E. to E.		
8			Up N. N. E. off N. E.		
9					
10			up N. E. b. E. off E. S. E.		
11					
12	1		W. N. W.	Variable	
1					
2			up W. W. N. W. off S. W.		
3			S. W.		
4			N. by W		At 2 Calm and Cloudy, sent a Boat on Board the Prize Half-past 2 wore. Half-past 3 wore. At 4 Light Airs, Aurora, Brig, and Prize in Company---hove to.



OBSERVATIONS

ON THE

Remarks in La Nymphe's Log.

NOTE It is necessary to observe that 'till after the Capture of the Spanish Packet, the Nymphe had no knowledge of, or communication with the Aurora Frigate, or the Lord Hawke Privateer.

(a) At 10 o'Clock A. M. the Spanish Packet was taken by the Lord Hawke after firing several single Shot and one Broadside at her, which from her distance could not have been seen from the Nymphe, otherwise those remarkable Transactions would have been noted in Captain Frazer's Log, particularly as in his Public Letter he says he made the Capture.

(b) Captain Frazer's Letter says he fell in with and Captured the Spanish Ship in Company with his Majesty's Ship Aurora and Lord Hawke Privateer; but by his Log the Aurora was not discovered from La Nymphe (though it was clear Weather) until past 12 o'Clock, upwards of two Hours after the Prize was taken by the Lord Hawke.

(c) On its falling Calm seven Hours after the Lord Hawke had taken the Spanish Packet, the Nymphe (which was still at a great distance) sends a Boat to Board the Privateer and her Prize.

(d) At 8 P. M. three Hours after she left the Ship and ten Hours after the Capture the Nymphe's Boat returns, and then they are first informed, that "The Brig proved to be the Lord Hawke Privateer of Plymouth" in Company with a Spanish Ship she had taken that Morning;" this is the first they pretend to know of the Lord Hawke or her Prize, although Captain Frazer in his Letter to Lord Bridport, asserts that he made the Capture within 6 Miles of Corunna Light House; but as Cape Prior bore S. E. 7 or 8 Miles from the Nymphe at 7 P. M. it will appear from the previous Run on her Log, that she must have been 18 Miles at least from that Light House at 10 A. M. when the Spanish Packet was taken by the Lord Hawke.

(e) After the Nymphe's and Aurora's Boats boarded the Lord Hawke and her Prize; about 8 P. M. a light air of Wind sprung up and they made towards the Frigates, and joined them at 9 o'Clock in the Evening; when Captain Fraser sent on Board the Lord Hawke for the Spanish Captain and Officers, and after he had learnt from them the time the Capture was made (for by his Log, he acknowledges his ignorance of that transaction) he sent an Officer and Men from the Nymphe, who forcibly dispossessed the Commander of the Privateer of his Prize, and he was not returned to the Lord Hawke, (which Vessel he was Commissioned by the Lords of the Admiralty to Command,) but taken with his People on Board the Nymphe where he was detained a Prisoner all Night, and the next Morning Captain Fraser refused to restore the Lord Hawke's Men, unless Captain Neale gave him a Letter to his Agent acknowledging the Right of the Nymphe and Aurora to be considered joint Captors with the Lord Hawke; and the Letter was given by Captain Neale, not because the demand was considered just, but because the Lord Hawke was very short of Men, and having on Board Ten Thousand Pounds worth of re-captured Property.—They could not with safety be spared.—It is presumed that if Captain Fraser had not doubted his right to share for the Prize in question, he would hardly have condescended (as Captain of one of his Majesty's Ships) to ask an acknowledgment of that right from the Commander of a Privateer, and establish his claim from a Letter wrote by a Man under restraint (for his Letter of Marque and other Ships Papers were not restored to him, until he wrote it) and given for so valuable a consideration as the restoration of his Boatswain and all his best Men.

